

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

IN RE:

TRAVIS D. PURDY, SR.

XXX-XX-7247

P.O. BOX 12875

BEAUMONT, TX 77726

KRYSTLE D. PURDY

XXX-XX-1173

DEBTOR(S)

[illegible]

CASE NO. 16-10436

## CHAPTER 13

**MOTION TO MODIFY CHAPTER 13**  
**PLAN AFTER CONFIRMATION**

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS AN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-EIGHT (28) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

The Debtors, by their attorney, represent as follows:

I.

1. That since confirmation of their Chapter 13 Plan, the Chapter 13 Trustee has filed his TRCC report. This modification is proposing to comply with the Trustee's TRCC report. The modification seeks to correct the underfunding of the Chapter 13 Plan.

2. Thus, the Debtors propose this modification to pay \$740.00 per month for 10 months then \$765.00 per month for 17 months then \$874.00 per month for 33 months in order to fully fund their Chapter 13 Plan.

3. That the modification proposed by the Debtors will not modify the rights of the holder of any claims being dealt with under the plan.

II.

Debtors propose the Post-Confirmation Chapter 13 Plan attached hereto as Exhibit "A".

**Barron & Barron, LLP**

P.O. Box 1347

Nederland, Texas 77627

Phone: (409) 727-0073

Bar Number: 01820800

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

IN RE: **Travis D. Purdy, Sr.****xxx-xx-7247****Krystle D. Purdy****xxx-xx-1173***Debtor(s)*§  
§  
§  
§  
§CASE NO **16-10436**CHAPTER **13**

**POST-CONFIRMATION  
MODIFIED CHAPTER 13 PLAN**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:

COME NOW, Travis D. Purdy, Sr. and Krystle D. Purdy, Debtors herein, and propose the following plan under Chapter 13 of the Bankruptcy Code:

- The debts of DEBTOR(S) duly proved and allowed shall be paid to the holder thereof in accordance with the provisions of Chapter 13 of the Bankruptcy Code and this Plan.
- The future earnings of DEBTOR(S) are submitted to the supervision and control of this Court, and DEBTOR(S) shall pay to the TRUSTEE a VARIABLE amount each month. Please refer to EXHIBIT "B" for a VARIABLE payment schedule. Payments shall commence on October 8, 2016 and shall continue at the intervals and in the amounts indicated on EXHIBIT "B".
- From the payments received, the TRUSTEE will make disbursements in the following order:

(a). **Administrative Expenses:** The TRUSTEE shall FIRST pay the expenses as prescribed by the Court, for administration of this plan.

Name of Creditor	Type	Amount	Interest Rate	Monthly Payment	Term	Total Paid
Barron & Barron, LLP	Attorney Fees	\$3,500.00	0%	First Funds		\$3,500.00

(b). **Priority Claims:** All Claims entitled to priority under Section 507 of the Bankruptcy Code will be paid as follows:

Name of Creditor	Claim Amount	Amount Entitled To Priority	Interest Rate	Monthly Payment	Term	Total Paid
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(c). **Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed will be treated as follows:

- Pursuant to 11 U.S.C. § 1325(a)(5)(B)(i) the holder of any allowed secured claim shall retain its lien securing the underlying debt until the earlier of the payment of the underlying debt as determined under nonbankruptcy law or the debtor(s) obtain a discharge under Section 1328 of the Bankruptcy Code.

(2). **Payment of Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed, will be paid as follows:

Name of Creditor	Amount Claimed	Principal Amt to Be Paid	Interest Rate	Monthly Payment	Term	Estimated Total Paid
Collateral	Value of Collat.					
Amerihome Mortgage 4265 Gaurson St., Beaumont, TX 77705	\$6,233.04 \$6,233.04	\$6,233.04	0%	\$113.33 Avg.	6-60	\$6,233.04
Neches Federal Credit Union 2012 Chevrolet 1500	\$19,678.82 \$22,415.00	\$19,678.82	4.5%	\$433.22 Avg.	6-56	\$22,094.21
Neches Federal Credit Union Cross-Collateral Claim with 2012 Chevrolet 1500	\$9,001.00 \$4,596.18	\$4,596.18	4.5%	\$96.85 Avg.	6-60	\$5,326.55

\* Variable payments are scheduled, please see Pro Forma, if attached.

Computer software provided by LegalPRO Systems, Inc., San Antonio, Texas (210) 561-5300.

(H) Travis D. Purdy, Sr.

(W) Krystle D. Purdy

(C#) 16-10436

**MODIFIED CHAPTER 13 PLAN**

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Star Furniture	\$14,000.00	\$6,300.00	4%	\$136.86 Avg.	6-56	\$6,980.00
Bed, Dresser, 2-Nightstands, Mattress, Chest, Kitc	\$6,300.00					

- (3). **Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor(s) exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph (e) below:

Name of Creditor	Collateral Description	Amount of Claim
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- (d). **Special Class:** The following specially classified claims shall be paid as follows:

Name of Creditor	Claim Amount	Principal Amt. To Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
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- (e). **Unsecured Claims:** Unsecured claims will be paid pro rata by the TRUSTEE after payment of the aforementioned categories, to creditors who have duly and timely filed and proved their claim, with the same having been allowed by the Court, with such payments or dividends to be paid in lieu of the debt and in satisfaction of the debts of such creditors.

- (f). No interest, penalty or additional charge shall be allowed on any account subsequent to the filing of the petition herein, except that interest shall be allowed on claims to fully secured creditors in accordance with 11 U.S.C. § 506(b).

4. DEBTOR(S) shall pay direct the following debts outside the Plan:

Name of Creditor	Collateral Description	Monthly Amount	Balance
Amerihome Mortgage	4265 Gaurson St., Beaumont, TX 77705		\$222,513.00

5. The following secured claims are not dealt with in the DEBTOR(S)' plan, therefore, upon confirmation of the DEBTOR(S)' Chapter 13 Plan, the automatic stay provisions of 11 U.S.C. § 362 will be terminated and annulled with respect to each of the following claims:

Name of Creditor	Collateral Description	Claim	Value	Deficiency
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The automatic stay provisions of 11 U.S.C. Sec. 362 remain in effect as to DEBTOR(S).

The remaining portion of the debt (deficiency), if any, shall be treated as any other general unsecured claim under this plan.

6. All executory contracts of the DEBTOR(S) will be assumed unless specifically rejected herein. The following executory contracts and/or leases are ASSUMED or REJECTED as indicated below:

Name of Creditor	Contract is Assumed/Rejected
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7. Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S).
8. The Court may, from time to time, during the period of the plan, extend, increase or reduce the amount of any of the installments provided for by the plan, or extend or shorten the time for any such payments where it shall be made to appear, after such hearing, upon such notice as the Court may designate, that the circumstances of DEBTOR(S) so warrant or so require; provided, however, that nothing in this plan shall be construed to prevent the granting of a discharge of DEBTOR(S) as provided in 11 U.S.C. § 1328.
9. **Post-Confirmation Cure or Waiver of Default:**  
Any default of the DEBTOR'S post-confirmation plan payments may only be WAIVED by compliance with the provisions of 11 U.S.C. § 1329. Any default of post-confirmation plan payments may only be CURED by permission of the Standing Chapter 13 Trustee and compliance with such conditions as the TRUSTEE may impose.
10. **Post-Petition Claims:**  
The DEBTOR(S) will not incur any post-petition consumer debt except after notice to creditors and approval by the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

\* Variable payments are scheduled, please see Pro Forma, if attached.

Computer software provided by LegalPRO Systems, Inc., San Antonio, Texas (210) 561-5300.

(H) Travis D. Purdy, Sr.  
(W) Krystle D. Purdy  
(C#) 16-10436

**MODIFIED CHAPTER 13 PLAN**

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**Additional Provisions of the Plan**

**Tax Refunds-Ned**

All future tax refunds which Debtor(s) receive during the term of the plan, starting with the tax refund, if any, to be received for the tax year 2016 shall be turned over to the Trustee within ten (10) days of receipt of such, to the extent said refund exceeds \$9,000.00, and shall be added to the plan base. Whether or not a tax refund is due, debtor shall provide a copy of their tax return to the trustee within ten (10) days of filing such during the term of the plan.

**Timing of Collection of Trustee Fees**

Notwithstanding any other provision in the Plan, the Trustee shall receive a fee as allowed pursuant to the provisions of 28 U.S.C. 586(e)(2) in the percentage amount as fixed by the United States Trustee.

**Total Paid Column**

The Total Paid Column in the Confirmation Order for secured creditors is an estimate of the Total Amount Paid to that Creditor.

DATED on this the 18th day of July, 2017.

**Barron & Barron, LLP**

**/s/ Robert E. Barron**

**Robert E. Barron**

Bar Number: 01820800

P.O. Box 1347

Nederland, Texas 77627

Phone: (409) 727-0073

Fax: (409) 724-7739

WHEREFORE, the Debtors move this Honorable Court, under Bankruptcy Rule 9014, to enter an Order Modifying the Debtors' Chapter 13 Plan as prayed for herein.

DATED: July 18, 2017

Respectfully submitted,

BARRON & BARRON, L.L.P.  
P. O. BOX 1347  
NEDERLAND, TEXAS 77627  
(409) 727-0073

BY:/s/ Robert E. Barron  
Robert E. Barron  
01820800

ATTORNEY FOR DEBTORS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Modify Chapter 13 Plan after Confirmation has this July 18, 2017, shall be served via electronic means, if available, otherwise by regular first class mail, to....

**Mr. and Ms. Travis D. Purdy, Sr.**

P.O. Box 12875  
Beaumont, TX 77726

**John Talton**

110 North College Ave., 12th Floor  
Tyler, TX 75702

**Thomas Frederick Jones, III**

Codilis & Stawiarski  
650 North Sam Houston Pkwy East, Suite 450  
Houston, TX 77060

**James W. King**

Offerman & King, L.L.P.  
6420 Wellington Place  
Beaumont, TX 77706

**Recovery Management Systems Corporation**

25 S.E. Second Avenue, Suite 1120  
Miami, FL 33131-1605

**US Trustee**

Office of the U.S. Trustee  
110 N. College Ave., Suite 300  
Tyler, TX 75702

and to the parties on the attached mailing matrix.

/s/ Robert E. Barron

Robert E. Barron

Label Matrix for local noticing 0540-1 Case 16-10436 Eastern District of Texas Beaumont Tue Jul 18 11:28:03 CDT 2017	AmeriHome Mortgage Company, LLC c/o Thomas F. Jones III 650 N. Sam Houston Parkway East Ste 450 Houston, TX 77060-5908	AmeriHome Mortgage Company, LLC ATTN: BANKRUPTCY DEPARTMENT CODILIS & STAWIARSKI, P.C. 650 N. Sam Houston Parkway East, Suite 4 Houston, TX 77060-5906
AmeriHome Mortgage Company, LLC Cenlar FSB 425 Phillips Blvd Ewing, NJ 08618-1430	Amerihome Mortgage P.O. Box 11733 Newark, NJ 07101-4733	Bank of America PO Box 30770 Tampa, FL 33630-3770
Robert E. Barron P.O. Box 1347 Nederland, TX 77627-1347	Barron & Barron, LLP P.O. Box 1347 Nederland, Texas 77627-1347	(p)CITIBANK PO BOX 790034 ST LOUIS MO 63179-0034
CBNA P.O. Box 6497 Sioux Falls, SD 57117-6497	CMRE Finance 3075 Imperial Hwy Brea, CA 92821-6733	Capital One P.O. Box 85617 Richmond, VA 23285-5617
Capital One, N.A. PO Box 71083 Charlotte, NC 28272-1083	FivePoint Credit Union PO Box 1366 Nederland, TX 77627-1366	(p)FIVEPOINT FCU PO BOX 1366 NEDERLAND TX 77627-1366
Internal Revenue Service Centralized Insolvency Operations P.O. Box 7346 Philadelphia, PA 19101-7346	Thomas Frederick Jones III Codilis & Stawiarski 650 North Sam Houston Pkwy East Suite 450 Houston, TX 77060-5908	James W. King Offerman & King, L.L.P. 6420 Wellington Place Beaumont, TX 77706-3206
MCYDSNB 911 Duke Blvd. Mason, OH 45040	MIDLAND FUNDING LLC PO Box 2011 Warren, MI 48090-2011	Neches Credit Union 776 Magnolia Port Neches, TX 77651-3703
Neches Federal Credit Union c/o James W. King 6420 Wellington Place Beaumont, TX 77706-3206	Neches Federal Credit Union 1955 Dowlen Rd Beaumont, TX 77706-3330	Neches Federal Credit Union 2386 Nall Port Neches, TX 77651
(p)PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 41067 NORFOLK VA 23541-1067	Krystle D. Purdy P.O. Box 12875 Beaumont, TX 77726-2875	Travis D. Purdy Sr. P.O. Box 12875 Beaumont, TX 77726-2875
Recovery Management Systems Corporation 25 S.E. Second Avenue Suite 1120 Miami, FL 33131-1605	Recovery Management Systems Corporation 25 S.E. 2nd Avenue, Suite 1120 Miami, FL 33131-1605	SYNCB/GAPDC P.O. Box 965005 Orlando, FL 32896-5005



Sears	Star Furniture	Star Furniture
PO Box 6189	16666 Baker Springs	c/o Michelle Pennington
Sioux Falls, SD 57117-6189	Houston, TX 77213	PO Box 216169
		Houston, TX 77218

Synco/Walmart MasterCard	John Talton.	Texas Workforce Commission
P.O. box 965024	Plaza Tower	101 E. 15th St.
Orlando, FL 32896-5024	110 N. College Ave, 12 Floor	Austin, TX 78778-0001
	Tyler, TX 75702-7226	

U.S. Attorney General	US Trustee	United States Attorney's Office
Department of Justice	Office of the U.S. Trustee	350 Magnolia Ave., Ste 150
Main Justice Building	110 N. College Ave.	Beaumont, TX 77701-2254
10th & Constitution Ave., NW	Suite 300	
Washington, DC 20530-0001	Tyler, TX 75702-7231	

WF/Dillard's	Wells Fargo Bank, N.A.
P.O. Box 14517	PO Box 10438
Des Moines, IA 50306-3517	Des Moines, IA 50306-0438

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

CBNA	FivePoint Federal Credit Union	Portfolio Recovery Associates, LLC
50 Northwest Point Rd.	P.O. Box 3903	POB 41067
Elk Grove Village, IL 60007	Port Arthur, TX 77643	Norfolk VA 23541

End of Label Matrix	
Mailable recipients	40
Bypassed recipients	0
Total	40